

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Bush, <i>et al.</i>)	
)	
Serial No.	:	10/520,360)	
)	Group Art Unit:
Filed	:	January 5, 2005)	1612
)	
For	:	CRYSTALLINE 2,5-DIONE-3-(1-)	
		METHYL-1H-INDOL-3-YL)4-[1-)	
		(PYRIDIN-2 -YLMETHYL)PIPERIDIN-4-)	
		YL]-1H-INDOL-3-YL]-1-PYRROLE)	
		MONO-HYDROCHLORIDE)	
)	Examiner:
)	S. Qazi
)	
)	
Docket No.	:	X-14484)	Confirmation # 5540

COMMENTS ON EXAMINER'S INTERVIEW SUMMARY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Examiner apparently misunderstood statements in the interview with Ms. Tucker, Applicants' representative, on April 15, 2010. Ms. Tucker would like to take this opportunity to clarify the misunderstanding and correct the interview summary.

Ms. Tucker did not tell the Examiner that the newly submitted reference "was considered relevant and due to certain reasons was not submitted earlier." Instead, Ms. Tucker told the Examiner that the reference was being submitted because it was cited to a foreign agent by the foreign agent's patent office on February 9, 2010, and as she had recently assumed responsibility of the prosecution for the case, she was not aware of the reference prior to receiving it from the foreign agent on February 16, 2010. She submitted the reference to the USPTO with the IDS on March 2, 2010, i.e., within 30 days of its citation by the foreign office.

Next, the Examiner and Ms. Tucker discussed the reference and to Ms. Tucker's recollection, the Examiner indicated that she was going to enter the IDS, but needed to first discuss this with her supervisor. The Examiner indicated that she would call Ms. Tucker if there was a problem. When Ms. Tucker received the Notice of Allowance on May 4, 2010, she believed the IDS had been entered.

This misunderstanding is also conveyed in the May 11, 2010 denial of entry of the IDS, wherein the Examiner asserted that there had been no reason mentioned why this reference was not presented earlier.

If the Examiner has any questions, or would like to discuss any matters in connection with this application, she is invited to contact the undersigned at (317) 277-3537.

Respectfully submitted,

/Tina M. Tucker/
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Eli Lilly and Company
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July 2, 2010_____